

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ¿OISTE?;
NEW ENGLAND STATE-AREA
CONFERENCE OF THE NAACP; REV.
TALBERT W. SWAN, II; GUMERSINDO
GOMEZ; FRANK BUNTIN; RAFAEL
RODRIQUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD
ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

TRIAL AFFIDAVIT OF CAROL LEWIS-CAULTON

I, Carol Lewis-Caulton, hereby certify as follows:

- 1) I reside at 63 Navajo Road in Springfield, Massachusetts. I have lived in Springfield over 40 years. I have personal knowledge of the facts stated in this Affidavit.
- 2) I am a nurse. I work for the Massachusetts Department of Public Health, where I am the Director of Case Management Services for the Childhood Lead Poisoning Prevention Program.
- 3) When I was in junior high school in Springfield in the late 1950s, I wanted to go to Technical High School because I knew that I wanted to become a nurse. At that time, a very small percentage of the students in the Springfield public schools were African-American. My counselor, who was white, was trying to push me towards Putman High School, which was a trade school. It would have been much harder for me to become a nurse if I had attended Putnam. That was something that happened a lot to minorities in the Springfield school system

at that time. Students who wanted to go to Technical or Classical High School would be pushed to go to trade school instead. Thank goodness I knew enough to go home to my parents and complain, and my parents went to the school and made sure that I was enrolled at Technical.

4) I ran for a seat on the Springfield, Massachusetts City Council ("City Council") in 1997, 1999, 2001 and 2003. In 1997, I lost the election. In 1999, I won a seat on the City Council by a very small margin, and then served as a City Councilor for a single, two-year term. I lost my campaign for re-election in 2001. Again in 2003 I ran for City Council, and lost.

5) I am the only African-American woman ever elected to the City Council.

6) Sometime toward the beginning of my 1997 campaign, I had a conversation with a Massachusetts state legislator about my candidacy for City Council. The state legislator advised me that I should not campaign with Black men, as it was her impression that it would hurt my candidacy because white voters would find Black men threatening or intimidating.

7) During each of my campaigns for City Council, Mr. Errol Campbell, an African-American man, has worked as my campaign manager. In addition, several other African-American men regularly helped with my campaigns.

8) At the beginning of the 1997 campaign, I regularly appeared with Mr. Campbell, and with other African-American men, while campaigning. At some point during the 1997 campaign, Mr. Campbell and I decided that he, and other African-American men, would not attend certain campaign events in predominantly white neighborhoods. I noticed that my reception in predominantly white neighborhoods was different when I appeared either alone, or with my sister, who often accompanied me while campaigning, than it was when I appeared with Mr. Campbell or with other African-American men. When I was accompanied by African-American men in predominantly white neighborhoods, I felt that I was received much less

openly due to behavior that I perceived as race-based. I did not have the same feeling when I was accompanied by African-American men in predominantly African-American or Latino/Hispanic neighborhoods.

9) After losing the 1997 campaign, Mr. Campbell and I decided that we would employ the strategy of limiting my appearance with African-American men in predominantly white neighborhoods with greater frequency. Mr. Campbell and other African-American men rarely accompanied me in predominantly white neighborhoods during the 1999, 2001 and 2003 campaigns.

10) Additionally, Mr. Campbell and I decided that African-American men should not appear at "stand-outs" for me in predominantly white neighborhoods. At a stand-out, volunteers would typically hold my campaign signs and wave at passers-by in busy intersections. Mr. Campbell started organizing stand-outs during the 1999 campaign, and continued to do so during the 2001 and 2003 campaigns. For about one month before election day, volunteers would do about three stand-outs per week for me, each at a different location in Springfield. For stand-outs in predominantly African-American or Latino/Hispanic neighborhoods, Mr. Campbell and other African-American men would participate. Generally, Mr. Campbell did not have difficulty recruiting African-American or Latino/Hispanic volunteers to appear at stand-outs. For stand-outs in predominantly white neighborhoods, Mr. Campbell would generally not participate; instead, he would go to the location of the stand-out to distribute campaign signs to the volunteers, but would wait in his car. Mr. Campbell had difficulty recruiting enough white supporters from Springfield to appear at stand-outs for me. After continued difficulty recruiting white volunteers from Springfield, Mr. Campbell began to recruit white individuals from outside of Springfield to participate in stand-outs in predominantly white neighborhoods. African-

American men only participated in stand-outs in predominantly white neighborhoods when there were not enough white volunteers.

11) I believe that some unique factors contributed to my winning a seat on the City Council in 1999. In particular, one woman incumbent decided not to run for re-election, and did not submit nomination papers. A second woman incumbent withdrew from the race after the deadline for submitting nomination papers for certification had passed, but before the election. Because of the second incumbent candidate's late withdrawal, additional candidates could not be added to the ballot for that election. Due to the two women incumbents' decisions not to seek re-election, there were no women incumbent candidates running for City Council by election day. I won the ninth and final seat on the City Council in the 1999 election, by a very small margin.

12) After not winning re-election in 2001, and then losing again in the 2003 election, I ultimately concluded that the at-large system would prevent my re-election to the City Council, and decided not to run again after the 2003 election. I believe that I would have been re-elected to the City Council, but for the at-large system.

13) There is a general feeling in the African-American community in Springfield that it is futile for an African-American candidate to run for City Council in the at-large system, because of the cost of running an at-large campaign, and because voters in the City of Springfield tend to vote along racial and ethnic lines. Sometimes white voters have given enough support to one minority candidate to enable his or her election: for example, Bud Williams, or before him, Morris Jones. In general, special and unusual circumstances are necessary for minority candidates to win, such as when I won in 1999.

14) When I was on the City Council I supported implementing a needle exchange program in Springfield. I support needle exchange because scientific research indicates that it

saves peoples lives. When I was on the City Council I worked in Northampton, as I do now. Northampton has a needle exchange program, so I have been able to see that many of the potential problems identified by opponents to needle exchange are not real. In my experience, people are more likely to support needle exchange if they know people who are drug dependent or work in human services. Drug use has a disproportionate impact on Springfield's African-American and Latino communities. While there is support for needle exchange among many groups in Springfield, support among African-Americans and Latinos is especially strong because these communities have a better understanding of how needle exchange can benefit people they regularly interact with, or even just see on the street.

15) I also supported ward representation as a Councilor. I was one of the initial signers of the first petition for ward representation. Ward representation is an issue that is particularly important to minority voters, because it would increase their ability to elect candidates of their choice to city government.

16) An issue that I spearheaded as a Councilor was payments in lieu of taxes by the City's large nonprofits. This is an important issue because these institutions take property off the tax roles, shifting the tax burden to homeowners and other businesses. This is not a fair way to do business. Other communities in Massachusetts, including Boston, have succeeded in getting large nonprofits to make payments in lieu of taxes. Recently, the Springfield Finance Control Board has pursued this issue, and Baystate Medical Center has agreed to make a payment to the City. This issue is particularly important to African-Americans and Latinos, because these groups tend to be less wealthy and rely to a greater extent on City services. Also, the expansion of the large nonprofits is taking place to a large extent in neighborhoods that are predominantly African-American and Latino.

17) Truancy was another City issue on which I played a lead role. There was a requirement that students attend school for a certain number of days to get credit for the year. Unfortunately, the schools were not keeping accurate attendance records. They also were not keeping track of when students brought in notes from their parents explaining their absences. The proposed reforms involved enforcement by the police, which raised particular concern among African-American and Latino parents. Because of a history of police brutality in the African-American and Latino communities, African-American and Latino parents were concerned about the effect that police enforcement would have on their children. This concern was exacerbated by the knowledge that school attendance records were inaccurate.

18) The City Council has the power to approve certain kinds of permits. New permit approvals end up having a disproportionate impact on communities with mixed zoning. For example, Wards 1 and 4 are not strictly residential. They also tend to be less wealthy, and they have a higher proportion of minority residents.

19) When I was a councilor, if residents told me that a permit would hurt their neighborhood, I would listen to the residents and consider their concerns. In my experience, some councilors seemed to care more about the permit applicant than they did about the residents of the affected neighborhood.

20) There is an ongoing problem in Springfield with police brutality against the minority community. This has been a problem for as long as I can remember. When I was a member of the Police Commission from approximately 2005-2006, I had the opportunity to hear many complaints about police brutality. One incident that came before the Commission during my term involved a school principal who went into a diabetic coma while sitting in his car at a gas station. An attendant at the station called the police. When the principal failed to respond,

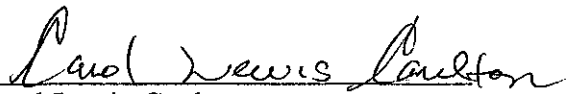
the police officers allegedly pulled him through the window of his car and beat him. The police officers told the Commission that they used force against the principal because they believed him to be in a drug-induced state, but I did not find the police officers' testimony credible. A majority of the Police Commission believed the police officers, and no charges were brought against them.

21) I believe that Morris Jones had success as an African-American City Councilor because Springfield voters are willing to vote for one African-American. Still, Jones lost his bid for reelection in 1993. That was the year that the City rejected the Quinn Bill, which would have increased pay for police officers on the basis of their education levels. Jones voted against the Quinn Bill, and it failed. That night, after the City Council meeting, an all-points bulletin was broadcast to the entire police force, telling officers to look out for Jones' car. Jones' car was vandalized that night.

22) I believe that incident was the turning point in Jones' political career, because the police are very powerful in Springfield politics. Jones was not able to run successfully again.

23) Charles Rucks had very strong support among African-American voters in his City Council races, but he still lost. He was a strong candidate, too. His family has lived in Springfield for a very long time. He is a product of the Springfield public schools, and he attended a military academy and served in the military. He did not win because despite his strong credentials, he did not have enough support outside the African-American community.

Signed under penalties of perjury, this 31st day of January, 2007.


Carol Lewis-Caulton

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 2, 2007.

/s/ Paul E. Nemser